

Attorneys for Plaintiff Andre Souang

In re

DAVID RANDALL TINSLEY-BOITANO,
JEANNINE MARIE AUSTURIAS-TINSLEY,

Debtors.

**MOTION TO DISMISS ADVERSARY
PROCEEDING**

ANDRE SOUANG.

Plaintiff,

v.

DAVID RANDALL TINSLEY-BOITANO,
JEANNINE MARIE AUSTURIAS-TINSLEY,

Defendants.

Plaintiff Andre Souang hereby moves the Court, pursuant to Fed. R. Bankr. P. 7041 and B.L.R. 7007-1 for dismissal of his adversary complaint filed on January 27, 2012 to determine the validity and extent of plaintiff's interest in real property commonly known as 3033 Beachcomber Drive, Moro Bay, California.

The motion is made on the grounds that, pursuant to Fed. R. Civ. P. 41(a)(2) and Fed. R. Bankr. P. 7041, plaintiff Andre Souang may voluntarily dismiss his complaint, and good cause

1 exists to dismiss that complaint and for each party to bear its own fees and costs, as debtor-
2 defendants have not filed any counter-claim in this adversary proceeding prior to being served with
3 this motion to dismiss and debtors will suffer no prejudice from the Court's order dismissing the
4 adversary complaint.

5 This motion is based on the accompanying Memorandum of Points and Authorities and
6 Declaration of Andrew J. Ditlevsen.

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8 Dated: February 7, 2013

TERRA LAW LLP

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10 By: /s/ Andrew J. Ditlevsen
11 Andrew J. Ditlevsen
12 Attorneys for Andre Souang
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